

REMARKS

Applicant respectfully request reconsideration of the present application in view of the accompanying evidence and the reasons that follow.

I. Status of the claims

No claims are newly added, cancelled, amended or withdrawn. A listing of claims is provided solely for the convenience of the Examiner.

Claims 1-28 and 34 were previously cancelled, and claims 30, 32, 33, 37 and 40 were previously withdrawn pursuant to an election of species. Applicant respectfully requests rejoinder and examination of the withdrawn claims upon identification of allowable subject matter in generic or linking claims.

Following entry of the foregoing amendments, claims 29-33 and 35-42 are pending, and claims 29, 31, 35, 36, 38, 39, 41 and 42 are under examination. Claim 29 is the sole independent claim under examination.

II. Rejections under U.S.C. § 102 and § 103

Applicant notes with appreciation the withdrawal of the rejections under 35 U.S.C. § 102 and § 103 over Giles-Komar and Samid.

At pages 2-3 of the Office Action, claims 29, 35, 36, 38, 39, 41 and 42 remain rejected under 35 U.S.C. § 102(a) and § 102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2006/0251653 to Okuda ("Okuda"). At pages 3-4 of the Office Action, claim 31 remains rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious by Okuda in view of Hirohata *et al.* "Elevation of cerebrospinal fluid interleukin-6 activity in patients with vasculitides and central nervous system involvement" *Clin. Immunol and Immunopath* 66:225-229 (1993) ("Hirohata"). Accordingly, all pending bases of rejection rely on a common reference, Okuda. Applicant respectfully traverses, at least because Okuda is not prior art.

Applicant's previous arguments that Okuda is not prior art were considered nonpersuasive because "no certified English translation of the Japanese priority document has

been submitted, such that foreign priority is not perfected.” Action at page 3. Applicant submits with this Reply an English-language translation of Japanese Patent Application No. 2003-423517, the priority document, and a declaration verifying the accuracy of the translation. These submissions are believed to perfect priority. Because priority is perfected, Okuda is removed as prior art, and the rejections are overcome.

CONCLUSION


Applicant believes that all rejections are overcome, and that all claims under examination are allowable. An early notification to this effect is sought. Applicant further request that the Examiner rejoin and examine withdrawn claims 30, 32, 33, 37 and 40.

Examiner Spector is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to credit any overpayment, or charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or any missing fees, to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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